

CHAPTER 1157**HAZARDOUS SUBSTANCES CLEANUP COSTS***S.F. 2216*

AN ACT allowing recovery of hazardous substances cleanup costs by governmental subdivisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.392, subsection 1, paragraph a, Code Supplement 1993, is amended to read as follows:

a. The reasonable cleanup costs incurred by the state or its political subdivisions, by governmental subdivisions, or by any other persons participating in the prevention or mitigation of damages with the approval of the director, as a result of the failure of the person to clean up a hazardous substance involved in a hazardous condition caused by that person.

Sec. 2. Section 455B.392, subsection 5, Code Supplement 1993, is amended to read as follows:

5. Money collected pursuant to this section shall be deposited in the hazardous waste remedial fund created in section 455B.423 and. Moneys shall be used to reimburse governmental subdivisions requested to assist in the cleanup for which the moneys were collected. The remainder of the moneys shall be used in the manner permitted for the fund.

Approved May 5, 1994

CHAPTER 1158**SUPPLEMENTAL NEEDS TRUSTS FOR PERSONS WITH DISABILITIES***S.F. 2264*

AN ACT relating to the establishment of supplemental needs trusts for persons with disabilities.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 634A.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Person with a disability" means a person to whom one of the following applies, prior to creation of a trust which otherwise qualifies as a supplemental needs trust for the person's benefit:

a. Is considered to be a person with a disability under the disability criteria specified in Title II or Title XVI of the federal Social Security Act.

b. Has a physical or mental illness or condition which, in the expected natural course of the illness or condition, to a reasonable degree of medical certainty, is expected to continue for a continuous period of twelve months or more and substantially impairs the person's ability to provide for the person's care or custody.

2. "Supplemental needs trust" means an inter vivos or testamentary trust created for the benefit of a person with a disability and funded by a person other than the trust beneficiary, the beneficiary's spouse, or any person obligated to pay any sum for damages or for any other purpose to or for the benefit of the trust beneficiary under the terms of a settlement agreement or judgment.

Sec. 2. NEW SECTION. 634A.2 SUPPLEMENTAL NEEDS TRUST — REQUIREMENTS.

1. A supplemental needs trust established in compliance with this chapter is in keeping with the public policy of the state and is enforceable.